

**Senate Joint Resolution 2005 - Introduced**

SENATE JOINT RESOLUTION 2005  
BY HARTSUCH

**SENATE JOINT RESOLUTION**

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa allowing the electorate to propose laws  
3 and amendments to the Constitution by initiative petition.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of  
2 the State of Iowa is proposed:

3 Article III, Legislative Department, Section 1, Constitution  
4 of the State of Iowa, is repealed and the following adopted in  
5 lieu thereof:

6 **Legislative authority — initiative of the people and the**  
7 **General Assembly. SECTION 1.**

8 1. The people reserve to themselves the power to initiate  
9 laws and amendments to the Constitution and to adopt such laws  
10 and amendments independently of the Legislative authority.  
11 With the exception of laws and amendments to the Constitution  
12 by initiative petition, the Legislative authority of this State  
13 is vested in a General Assembly which shall consist of a Senate  
14 and a House of Representatives.

15 2. *a.* An initiative petition proposing a law or an  
16 amendment to the Constitution shall be filed with the Secretary  
17 of State not less than twelve months preceding the date of the  
18 general election at which the proposed law or amendment is to  
19 be voted upon. Each initiative petition proposing a law shall  
20 be signed by eligible electors equal in number to five percent  
21 of the votes cast for the office of Governor at the last  
22 general election in which that office was on the ballot. Each  
23 initiative petition proposing an amendment to the Constitution  
24 shall be signed by eligible electors equal in number to ten  
25 percent of the votes cast for the office of Governor at the  
26 last general election in which that office was on the ballot.

27 *b.* Each initiative petition shall contain the declaration  
28 of each petitioner that the petitioner is an eligible elector  
29 of the State, the petitioner's address, and the date on which  
30 the petitioner signed the petition. Each sheet containing  
31 petitioners' signatures shall be attached to a full and correct  
32 copy of the title and text of the proposed law or amendment  
33 to be initiated, and every sheet of the petition containing  
34 signatures shall be verified by the affidavit of the person who  
35 circulated the sheet, setting forth that each of the names on

1 the sheet was signed in the presence of the affiant and that in  
2 the belief of the affiant each signer was an eligible elector  
3 of the State.

4 *c.* Each law or amendment initiated by initiative petition  
5 shall comply with the requirements of article III, section 29,  
6 or article X, section 2, respectively, and shall not exceed  
7 five thousand words in length. An analysis of the legal and  
8 fiscal impact of the law or amendment shall be prepared and  
9 made available to members of each house of the General Assembly  
10 and to the public prior to the day of the general election, as  
11 provided by law.

12 *d.* A law or amendment initiated by petition may be withdrawn  
13 if a petition requesting withdrawal is filed with the Secretary  
14 of State not later than one hundred twenty days before the  
15 next general election. The petition requesting withdrawal  
16 must contain the signatures of no less than two-thirds of the  
17 signers of the initiative petition filed with the Secretary  
18 of State. Upon the filing of a valid withdrawal petition,  
19 the Secretary of State shall take no further action on the  
20 initiative petition.

21 3. *a.* All elections on laws or amendments to the  
22 Constitution initiated by the people shall be held at the  
23 general election. When an initiative petition is filed, the  
24 Secretary of State shall cause to be printed on the official  
25 ballot at the next general election the title of the law or  
26 amendment, together with the words "Yes" and "No" in such  
27 manner that the voters may express at the polls their approval  
28 or rejection of the law or amendment. The text of all laws or  
29 amendments to be submitted shall be published by the Secretary  
30 of State as required by law.

31 *b.* No more than five laws or amendments to the Constitution  
32 initiated by petition may be placed on the ballot at any  
33 general election. The first five petitions to be filed with  
34 the Secretary of State and to meet the qualifications of this  
35 section shall be placed on the ballot at the general election.

1 4. *a.* A simple majority of the votes cast for an initiated  
2 law or amendment is necessary to approve the law or amendment.  
3 An initiated law or amendment approved by the people is  
4 effective July 1 following its approval.

5 *b.* The veto power of the Governor in article III shall not  
6 extend to laws proposed by initiative petition and approved by  
7 the electorate.

8 *c.* If two or more conflicting laws or amendments to the  
9 Constitution are placed on the same ballot, the Secretary of  
10 State shall include on the ballot a statement notifying the  
11 voters of the conflicting laws or amendments.

12 *d.* If two or more conflicting laws or amendments to  
13 the Constitution are approved by the people at the same  
14 election, the law or amendment receiving the greatest number of  
15 affirmative votes shall prevail.

16 5. The Secretary of State, in the presence of the Governor  
17 and the Chief Justice of the Supreme Court, shall canvass the  
18 votes within thirty days after the general election, and upon  
19 completion of the canvass shall issue a proclamation, giving  
20 the entire number of votes cast for and against each initiated  
21 law or amendment to the Constitution and declaring those laws  
22 or amendments which were approved.

23 6. A law or amendment to the Constitution proposed by  
24 initiative petition and rejected at a general election shall  
25 not be placed on the ballot more than once in a three-year  
26 period.

27 7. The General Assembly may provide by law for procedures  
28 to implement this section. Such procedures shall in no way  
29 restrict or impair the powers reserved to the people by this  
30 section. The General Assembly shall provide a penalty for any  
31 willful violation of any of the provisions of this section.

32 8. This section shall not be construed to deprive the  
33 General Assembly of the right to enact any law. This section  
34 shall not be construed to deprive the General Assembly or  
35 a constitutional convention of the right to propose any

1 constitutional amendment as provided in article X, or to  
2 deprive the people of the right to approve and ratify such a  
3 proposed amendment as provided in article X.

4 9. The style of an act enacted by the General Assembly shall  
5 be: Be It Enacted by the General Assembly of the State of Iowa.  
6 The style of an act submitted to the voters by an initiative  
7 petition shall be: Be It Enacted by the People of the State of  
8 Iowa.

9 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
10 amendment to be Constitution of the State of Iowa is referred  
11 to the General Assembly to be chosen at the next general  
12 election for members of the General Assembly and the Secretary  
13 of State is directed to cause the proposed amendment to be  
14 published for three consecutive months before the date of that  
15 election as provided by law.

16 EXPLANATION

17 This Joint Resolution proposes an amendment to the  
18 Constitution of the State of Iowa granting the people the power  
19 to initiate laws or amendments to the Constitution of the State  
20 of Iowa by petition and approve the laws or amendments at the  
21 polls. Initiative petitions must contain a specified number of  
22 signature of eligible electors. A procedure for withdrawal of  
23 a petition is included.

24 Initiative petitions must be filed with the secretary of  
25 state not less than 12 months before the general election at  
26 which it will be voted on.

27 The resolution also provides that any law or amendment to the  
28 Constitution proposed by initiative petition shall not exceed  
29 5,000 words in length and that a legal and fiscal analysis  
30 shall be prepared for members of the general assembly. No more  
31 than five initiated laws or amendments may be placed on the  
32 ballot at one time.

33 The resolution provides that the general assembly may enact  
34 laws to implement this amendment to the Constitution.

35 An initiated law or amendment approved by the people is

1 effective July 1 following its approval. A law or amendment  
2 proposed by initiative petition and rejected at election shall  
3 not be placed on the ballot more than once in a three-year  
4 period.

5 The resolution, if adopted, would be referred to the next  
6 general assembly for consideration a second time, before  
7 the amendment would be submitted to the electorate for  
8 ratification.